IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18116 of 2004

Between:

Solem Adeyya, s/o Bakkaiah,
R/o Ramanujavaram Village, Manuguru Mandal, Khammam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Manuguru Mandal, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in not removing the encroachments made in the petitioner's land in Sy.No.203 of Manuguru Village and Mandal, Khammam District without making any proper survey as illegal and arbitrary and consequently direct the respondent to forthwith conduct survey of putting patta land of ac.1.20 guntas occupies by illegal encroachments by demarcating and handing over peaceful possession to the petitioner and to pass such other order or orders.

Counsel for the Petitioner: MR.M.JANARDHAN RAO

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner, who claims to be the owner of Ac.3.26 guntas of land in Sy.No.203 of Manuguru village and Mandal, inherited the same from his father. It is his plea that out of the said land, an extent of 0.16 guntas of land was illegally occupied by the Vasavi Club, which constructed Surakshaw Bus Shelter; further the Mandal Revenue Officer, has given an extent of 0.5 guntas of land to one Chimidi Sammaiah. He states that, he made a representation to the respondents for conducting survey and demarcation of the land. Accordingly, the land is surveyed and the surveyor submitted his report, which, according to the petitioner is contrary to law. The present writ petition is filed contending that though he made a representation to the 1st respondent requesting him to conduct proper survey and take appropriate action, no action has been taken by him so far for evicting the persons from unauthorized occupation.

It is not for the Mandal Revenue Officer to decide the title or to evict the persons from unauthorized occupation. The only remedy available to the petitioner is to approach the competent Civil Court, for removal of encroachments, if any.

The writ petition is accordingly dismissed. No order as to costs.

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06-10-2004

ts/klp

To

1. The Mandal Revenue Officer, Manuguru Mandal,

Khammam District.

2. 2CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).

3. 2CD copies